

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

TERESA ANN TOWNS,

Defendant.

Case No. 2:13-cr-00206-LDG (PAL)

ORDER

The Defendant, Teresa Ann Towns, has moved pursuant to Fed. R. Crim. Proc. 35 to amend the judgment of the Court (a) to reflect the Court's oral authorization, stated at her sentencing, that she be permitted to enter the VFW Post for social and civic purposes; and (b) to clarify whether the Court intended that she pay interest on the restitution owed. The United States opposes, arguing that Rule 35 permits the correction of a sentence only within 14 days of oral announcement of the sentence. The United States further asserts that there is not a basis to amend the Judgment for clerical error under Rule 36.

The Court agrees that the Defendant's motion is untimely under Rule 35.

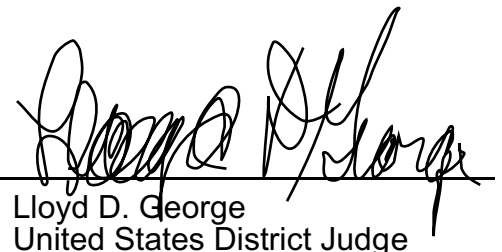
Nevertheless, a review of the audio recording of the sentencing establishes that defense counsel asked the Court to allow the Defendant to enter the VFW Post, even though it had slot machines, acknowledging that she would comply with the gambling

1 prohibition. The Court responded that it would leave the question whether the defendant
2 could enter the VFW Post up to the Probation Office, but that the Court would authorize it
3 provided the Probation Office was satisfied it was legitimate. The Court's determination
4 reflected a modification of the gambling prohibition that is not reflected in the Judgment as
5 currently entered. The Court considers this to be a clerical error in the Judgment that can
6 be corrected at any time under Rule 36. Thus, the Court will order the Clerk of the Court to
7 prepare an Amended Judgment for the Court's signature that reflects the modification to
8 the gambling prohibition, Special Condition of Supervised Release #6, that was allowed by
9 the Court at sentencing.

10 The Defendant's remaining request is for clarification regarding her obligation to pay
11 interest upon restitution. The request does not concern a clerical error, and therefore
12 amendment of the judgment to reflect the request is neither warranted nor authorized
13 pursuant to Rule 36. Therefore, for good cause shown,

14 THE COURT **ORDERS** that Defendant's Motion to Amend Judgment of Conviction
15 (#60) is GRANTED in part and DENIED in part as follows: The Clerk of the Court shall
16 prepare for the Court's signature an Amended Judgment that adds the following sentence
17 to Special Condition of Supervised Release #6 (the Gambling Prohibition): "You may,
18 however, enter the VFW Post for social and civic purposes so long as (a) the Probation
19 Office verifies the legitimacy of the establishment, (b) the Probation Office expressly
20 approves your entry into the VFW Post, and (c) you do not engage in any gambling
21 activity."

22
23 DATED this 26 day of March, 2014.

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25 
26 Lloyd D. George
United States District Judge